

1 GILADI

2 MR. DINHOFFER: S-H-O-A-M?

3 A. Tomar.

4 MR. DINHOFFER: T-O-M-A-R?

5 A. Mical.

6 MR. DINHOFFER: M-I-C-A-L?

7 A. (Continuing) a lot of names, Leora.

8 MR. DINHOFFER: You said Moshe, Moses  
9 translated.

10 MR. DINHOFFER: I think he said about  
11 five or six of them.

12 A. Moria.

13 MR. DINHOFFER: M-O-R-I-A.

14 A. I don't know how many I told you, I  
15 cannot --

16 Q. Any other names that you recall?

17 A. I told you whatever I have in my mind  
18 at the moment. One-third of them is the same  
19 name.

20 MR. DINHOFFER: Off the record.

21 (Whereupon, a discussion was held off  
22 the record).

23 MR. BURFORD: Mark that for me.

24 (Whereupon, the aforementioned tax  
25 return was marked as Defendant's Exhibit B for

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2 identification as of this date by the Reporter.)

3 Q. Have you ever worked at Mount Sinai  
4 Hospital?

5 A. Me?

6 Q. Yes.

7 A. No.

8 Q. I am going to show you what has been  
9 marked as Defendant's B for identification.

10 Is that your 1995 tax return?

11 A. I believe so.

12 Q. Who prepared this tax return for you?

13 A. I believe I did it with a friend.

14 Q. Who is the friend?

15 A. Somebody in school.

16 Q. Do you remember who that was?

17 A. No. I think I was one of my friends  
18 from accounting classes.

19 Q. From time to time, have you used an  
20 accountant by the name of Leonard Friedman to do  
21 your tax returns?

22 A. Yes.

23 Q. For what period of time did you use Mr.  
24 Friedman?

25 A. I think for -- I think in the beginning

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2 of the '90s.

3 Q. Through what period of time?

4 A. I think only two or three times.

5 Q. Two to three years?

6 A. Yes.

7 Q. The house that you have, that you live  
8 in on Wedgewood Drive, do you pay rent for that  
9 house?

10 A. I didn't pay rent, I pay mortgage.

11 Q. Do you own the place?

12 A. I used to.

13 MR. DINHOFER: Wedgewood, he said.

14 THE WITNESS: Wedgewood. Sorry, I  
15 thought Walker.

16 Q. I thought I said Wedgewood.

17 MR. DINHOFER: Let's go back.

18 Q. The premises on Wedgewood Avenue, do  
19 you own that premises?

20 A. No.

21 Q. Do you rent a portion of that premises?

22 A. No.

23 Q. Do you pay any rent for that premises  
24 to the owners of that property?

25 A. No.

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2 Q. Have you ever paid rent for that  
3 premises?

4 A. I did not pay rent, but I had period  
5 that I did not stay there and I took hotel.

6 Q. I am just asking if at any period of  
7 time, you had paid rent for that premises?

8 A. I said rent, if I paid anything for me  
9 to stay, when I wanted to have privacy, I took  
10 hotel or motel room.

11 Q. Were you living on Wedgewood in 1992?

12 A. If it's after the house being sold,  
13 yes.

14 Q. You would have to tell me.

15 A. As I said, timing is, for me is -- at  
16 this moment, I really do not recall.

17 MR. BURFORD: Why don't we mark this  
18 as an exhibit as well.

19 (Whereupon, the aforementioned tax  
20 return was marked as Defendant's Exhibit C for  
21 identification as of this date by the Reporter.)

22 Q. Let me show you what has been marked as  
23 Defendant's C for identification. And I want to  
24 refer you to the second page down here  
25 (indicating).

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2 MR. DINHOFER: For the record,  
3 Defendant's B was a 1995 tax return, Defendant's C  
4 is the New Jersey tax return for the year 1992,  
5 State tax return.

6 MR. DINHOFER: Wait for him to ask you  
7 a question.

8 Q. Is that your New Jersey tax return?

9 MR. DINHOFER: Look at it first then  
10 answer his question.

11 A. I believe so, yes.

12 Q. On page 2, here at the bottom, it makes  
13 reference to payment of \$10,000 and change in  
14 rent. Can you tell me who that was paid to?

15 A. As I said, you ask me if I am not  
16 mistaken if I paid, if I ever paid for any things

17 --

18 Q. At Wedgewood?

19 A. No. In general, if I ever stayed  
20 anyplace when I paid for it, I said yes. I was  
21 staying in hotel, stuff like that. And this is  
22 when I -- went to have like a week or two weeks out  
23 from the Wedgewood, for me is the rental place I  
24 was paying. So this is the amount of money that  
25 been collected that I paid out of my pocket.

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2 Q. The \$10,000 referred to on page 2,  
3 \$10,800 and something dollars and change,  
4 represents payments to a hotel?

5 A. Can be hotels, can be motels stuff like  
6 that. I cannot tell you what happened in 1992,  
7 it's eight years ago, it was between me and my  
8 accountant at the time.

9 Q. Where were you living at that time?

10 A. As I said, from Walker Road I went to  
11 Wedgewood. That's the only thing I can tell you.

12 Q. Did there come a time when there was a  
13 Court Order in New Jersey requiring you to deposit  
14 your passports with an attorney?

15 A. Yes.

16 Q. When was that order entered?

17 A. The first one was a volunteer one. The  
18 first time was 1989, if I am not mistaken.

19 Q. That was in a New Jersey court?

20 A. Yes.

21 Q. Did you deposit your American and  
22 Israeli passports with an attorney?

23 A. At that time, yes.

24 Q. And how long did they remain with that  
25 attorney?



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2 A. For a long time.

3 Q. What period of time are we talking  
4 about?

5 A. The first order was, as I said, it  
6 was -- it was not an order, it was -- it was an  
7 agreement between me and my ex-wife --

8 MR. DINHOFFER: I'll just note for the  
9 record on a general objection on the basis of his,  
10 about his passport, the whole subject matter of  
11 this matter I think is totally irrelevant in this  
12 case, but I will let you inquire. I am preserving  
13 my objection to the entire line of questioning.

14 A. (Continuing) I think in October of 19  
15 -- I do not recall, '88 or '89, I believe '88, I  
16 discovered that my wife is suffering from anxiety  
17 and depression, and she had some fears and she  
18 asked me to -- for her mental status, if I can come  
19 with her to some agreement. So we had an agreement  
20 that my passport will be with my attorney, and --  
21 this is what --- we did.

22 Q. Was the passport with your attorney or  
23 was the passport with your wife's attorney?

24 A. At the beginning it was with my  
25 attorney.

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2 Q. And then there came a time that it was  
3 changed to your wife's attorney?

4 A. That's correct.

5 Q. Was that the second order or was that  
6 still the first order?

7 A. No, this is one of the orders, I do not  
8 know.

9 Q. When was the second order entered?

10 A. I do not know.

11 Q. For what period of time did the order  
12 remain in effect, requiring you to deposit your  
13 passports with your wife's attorney?

14 A. Until the issue was being raised in  
15 court again.

16 Q. When was that when was that?

17 A. It was too many times, I cannot give  
18 you all the dates and time.

19 Q. When was your divorce from your wife  
20 final?

21 A. I believe September of 1991.

22 Q. And did the final judgment of divorce  
23 require you to deposit your passports with your  
24 wife's attorney?

25 A. I believe so.



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2 Q. Was there an order entered after the  
3 final judgment, permitting you to withdraw the  
4 passports from your wife's attorney?

5 A. As I said, we had -- this issue was  
6 being raised in court -- on many occasions, even  
7 after the decree of, divorce decree, so --

8 Q. There were appeals, is that correct?

9 A. There was an appeal.

10 Q. Was there ever an order entered,  
11 subsequent to the final judgment, which either  
12 vacated the order with respect to your passport or  
13 permitted you to withdraw the passports?

14 A. The last time, the last time we had  
15 this kind of issue, I think this was an order that  
16 was never being entered in Court, so there was an  
17 issue that, I believe that the issue was never, one  
18 issue was never resolved yet.

19 Q. The issue of your passport being with  
20 your wife's attorney?

21 A. She have no attorney.

22 Q. Did there come a time when you reported  
23 your passports missing?

24 A. Yes.

25 Q. Then you had new passports issued?

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2 A. Yes, that's correct.

3 Q. When was that?

4 A. I do not recall.

5 Q. When the new passports were issued, did  
6 you deliver them to your wife's attorney?

7 A. I believe -- I don't -- I don't  
8 recall. I think the issue was being discussed in  
9 Court at the time.

10 Q. You were representing yourself in these  
11 proceedings, correct?

12 A. Yes, and I would like to mention  
13 something.

14 MR. DINHOFER: No, no. Just answer  
15 his question.

16 A. This is --

17 MR. DINHOFER: Just please answer his  
18 question.

19 A. This issue -- it's not relevant  
20 really.

21 MR. DINHOFER: Just answer his  
22 questions, don't volunteer. You are not doing  
23 anything more than answering his questions, please  
24 stop.

25 THE WITNESS: His questions --

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2 MR. DINHOFFER: Don't.

3 Q. Do you have a file cabinet at the  
4 Wedgewood address?

5 A. I have a file cabinet.

6 Q. What sort of records do you maintain in  
7 a file cabinet?

8 A. Personal.

9 Q. Deal with what sort, is it papers?

10 A. Stuff in school, stuff from --  
11 whatever.

12 Q. Do you have school records from Ramapo  
13 and Bergen?

14 A. I have my notes.

15 Q. When you say "notes," classroom notes?

16 A. Paper that I wrote.

17 Q. You wrote a paper?

18 A. When you go to school I think you write  
19 papers.

20 Q. Do you have copies of any report cards?

21 A. Report cards from where?

22 Q. From college.

23 A. No. Not that I recall.

24 Q. Any notifications of how well you did  
25 in school?

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2 A. I should have someplace --

3 Q. Do you maintain copies of cancelled  
4 checks, or insurance forms?

5 A. Not really.

6 Q. Do you maintain copies of any bills  
7 from doctors?

8 A. No, not really.

9 Q. Do you have any records in your  
10 mother's house in Israel?

11 A. Yes, I do.

12 Q. What sort of records do you have there?

13 A. Meaning presently?

14 Q. Yes.

15 A. I have all my stuff that I had in  
16 United States, it was in my mother's house, in her  
17 storage area.

18 Q. What sort of documents do you maintain  
19 there?

20 A. Again, this is stuff that's personal,  
21 not related to the case.

22 Q. Well, that's kind of a conclusion.

23 What sort of documents do you maintain  
24 there?

25 A. Everything, I did not go through these

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2 documents for many years I cannot give you details  
3 at the moment.

4 Q. Do you maintain any records of medical  
5 care or treatment there?

6 A. As I said, I did not touch this stuff a  
7 long time so --

8 Q. So you don't know what is there?

9 A. No.

10 Q. What is the address of your mother's  
11 house in Israel?

12 A. Ten Bublik Street.

13 Q. B-U-B?

14 A. B-U-B-L-I-K.

15 Q. What town is that in?

16 A. Natanya.

17 MR. DINHOFER: We already spelled it  
18 on the record.

19 THE WITNESS: I would like to put  
20 something not on the record.

21 MR. DINHOFER: You don't want to say  
22 anything. When I say don't say anything, don't  
23 even say it. Do you understand me? You are  
24 getting me mad now. Why am I here?

25 THE WITNESS: Sorry.

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2 Q. What do you receive in Workers'  
3 Compensation benefits?

4 A. About \$300.

5 Q. \$300?

6 A. Yes, around \$300 a week.

7 Q. How long have you received those  
8 benefits?

9 A. For the last three years, I do not  
10 know.

11 Q. Have you ever been involved in a car  
12 accident?

13 A. I think we went through that already,  
14 once before.

15 MR. DINHOFFER: No, maybe not in this  
16 case.

17 A. Yes, you did.

18 Q. Actually, I couldn't find it in the  
19 transcript.

20 MR. DINHOFFER: I don't think it was  
21 this case, I think it was the other one.

22 THE WITNESS: No, this case.

23 MR. DINHOFFER: Have you ever been  
24 involved in the car accident?

25 A. Yes, look at the first transcript.



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2 Q. When were you involved in a car  
3 accident?

4 A. 1981.

5 Q. Have you been involved in any car  
6 accidents, since 1981?

7 A. Not that I recall. You have in there  
8 something, but not something that's really worth  
9 remembering.

10 Q. Any car accidents where you sought  
11 medical care or treatment, since 1981?

12 A. Not that I recall.

13 Q. The incident on the bus, did that  
14 result in litigation?

15 A. I didn't have a cause for that.

16 Q. Pardon?

17 A. No.

18 Q. Do you plan on going to graduate  
19 school?

20 A. Yes.

21 Q. Have you applied to any graduate  
22 schools?

23 A. No, I am trying to take my, my exams  
24 first.

25 Q. Have you taken the GMAT?

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2 A. No. I did not. I cannot, I cannot  
3 concentrate at the moment.

4 Q. What is preventing you from  
5 concentrating at the moment?

6 A. Pain.

7 Q. What pain is that?

8 A. With my hand, because most of the work  
9 is on computer.

10 Q. Most of what work is on a computer?

11 A. The study for the exams, CD ROM, and I  
12 need to work with the -- I need to do with the  
13 interactive, with the CD ROM. And after a while, I  
14 have a pain and so I have to stop.

15 Q. Have you seen Dr. Popescu (phonetic) in  
16 the last five years?

17 A. No.

18 Q. When was the last time you saw  
19 Dr. Popescu?

20 A. '93 or '94.

21 MR. DINHOFFER: P-O-P-E-S-C-U.

22 Q. Were you injured in or around a Staples  
23 store in New Jersey?

24 A. Not that I recall.

25 Q. You have you applied for Social

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2 Security benefits?

3 A. No.

4 Q. As a result of your surgery by  
5 Dr. Strauch, do you have any out-of-pocket  
6 expenses?

7 A. Yes.

8 Q. What out-of-pocket expenses do you  
9 have?

10 A. Dr. Russo's bills.

11 Q. Anything else?

12 A. Medications. That's what I recall.

13 Q. How much are Dr. Russo's bills?

14 A. I really cannot calculate it.

15 Q. How much are your medication bills?

16 A. I do not recall.

17 Q. When you say you "cannot calculate"  
18 Dr. Russo's bills at the moment, do you anticipate  
19 a time when you are going to be able to calculate  
20 Dr. Russo's bills?

21 A. I need -- I need to talk to him and to  
22 see if he has a record of all the payment I paid  
23 him, and if he does, then I do.

24 Q. When you paid Dr. Russo did you pay in  
25 by check or in cash?

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2 A. Cash.

3 Q. When you paid for prescriptions, did  
4 you pay by check or cash or credit card or  
5 something else?

6 A. Cash, cash.

7 Q. What do you do on a typical day?

8 A. Trying to enjoy myself.

9 Q. How do you do that?

10 A. Trying to pass the day without pain.

11 Q. What do you do to do that?

12 A. Take medication, not aggravate my  
13 hand.

14 Q. Pardon?

15 A. Not to aggravate my hand. Not to  
16 aggravate my back. Try to read. Simple.

17 Q. When you drive in the car, where do you  
18 typically go?

19 A. Whenever I feel.

20 Q. How far do you typically drive?

21 A. Depends on the day.

22 Q. In the last 30 days, where have you  
23 driven?

24 A. The last 30 days -- from New Jersey to  
25 New York. I drove -- to Tel Aviv.

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2 Q. You drove in Tel Aviv?

3 MR. DINHOFER: No. To Tel Aviv, he  
4 drove from Natanya to Tel Aviv.

5 Q. How far is it from Natanya to Tel Aviv?

6 A. 25 kilometers.

7 Q. In the last 30 days, when you drove to  
8 work, where in New York did you go?

9 A. Too many places. I went to Manhattan,  
10 I went -- other places.

11 Q. What brought you into Manhattan, for  
12 example?

13 A. What brought me to Manhattan? Maybe to  
14 have dinner.

15 Q. Any other destinations that you recall  
16 driving to in the last 30 days, other than  
17 Manhattan to have dinner?

18 A. I came to buy film. I went to lower  
19 east side. Simple things, not --

20 Q. What brought you into New York to buy  
21 film?

22 A. What brought me to New York to buy  
23 film? You buy film because sometimes you need  
24 film.

25 Q. What kind of film did you buy?

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2 A. I bought Kodak 200 ASA.

3 Q. What kind of camera was it for?

4 A. For Cannon.

5 Q. Movie camera, 35 millimeter?

6 A. No, very light camera, 35 millimeter.

7 Q. Why did you come to New York to buy the  
8 film?

9 A. Why I come to work and not New Jersey?

10 Q. You tell us. You live in New Jersey,  
11 why drive to New York to buy film that, presumably,  
12 you can buy in New Jersey?

13 A. Because maybe I did something else at  
14 the same time.

15 Q. What else were you doing?

16 A. I don't recall.

17 Q. You recall driving to New York to buy  
18 film, but not what you were doing that brought you  
19 to New York?

20 A. I cannot tell you exactly what causes  
21 me to go from point A to point B. I can be sitting  
22 and get bored and decide to go someplace.

23 Q. Other than Manhattan for dinner, or New  
24 York to buy film, do you recall anywhere else you  
25 drove to in the last 30 days?



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2 A. I do things spontaneously. And I go  
3 back, I go back and forth between places. So  
4 really, I cannot give you details on anything, on  
5 any of the events.

6 Q. How many miles a year do you put on  
7 your car?

8 A. I do not know.

9 Q. Where do you have your car serviced?

10 A. Usually I do not service my car until I  
11 have a problem.

12 Q. When you have a problem where do you  
13 take it?

14 A. Depends, depends on a lot of things.

15 Q. What does it depend on?

16 A. Usually this is not too far, usually  
17 there was a Sunoco gas station in Verona, Verona  
18 or -- yes, Verona.

19 Q. A Sunoco in Verona?

20 A. Yes, I think so.

21 Q. Any other place you recall having your  
22 car serviced?

23 A. No.

24 Q. Other than reading, do you have any  
25 other specific recollection of any activities that

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2 you do on a typical day?

3 MR. DINHOFER: I think he said more  
4 than reading before. Other than what he has  
5 testified to before.

6 MR. BURFORD: He said he tries to  
7 enjoy himself, not aggravate his back, and read. I  
8 am asking does he have any other specific  
9 recollection of any other activity that he does on  
10 a typical day.

11 A. Sometimes I try to do some artwork.

12 Q. What sort of artwork?

13 A. I forgot what's it's called, taking  
14 something and build some statues and stuff like  
15 that.

16 Q. Sculpture?

17 A. Sculpture.

18 Q. Have you ever taken any classes in  
19 sculpture?

20 A. No.

21 Q. Have you sold any sculptures?

22 A. I never finished anything.

23 Q. Any other activities, that you have a  
24 recollection of doing on a daily basis?

25 A. I read the newspaper. Trying to study

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2 for my G -- to my exam. Which take a lot of my  
3 time, I spend a lot of my time dealing with my,  
4 sitting with my attorney, talking.

5 Q. Has that been true throughout this  
6 litigation?

7 MR. DINHOFFER: No?

8 A. No.

9 MR. DINHOFFER: I don't know if --

10 MR. BURFORD: I didn't bring it up.

11 MR. DINHOFFER: I understand. He said  
12 what he did with his time, but in terms of the  
13 quantity of the time that he spends with me  
14 thereafter, I think we are encroaching on  
15 privileged matters.

16 MR. BURFORD: I won't fight the issue  
17 at the moment.

18 Q. Is there anything you find that you  
19 cannot do on a daily basis?

20 A. I cannot do?

21 Q. Yes.

22 A. I cannot let anybody touch my elbow. I  
23 cannot carry heavy stuff with my left hand. I  
24 cannot play with nieces and nephews the way I would  
25 like to do or even my friend's children. Really I

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2 would like to spend my time with them. I think  
3 it's -- it's enough.

4 Q. Are you able to carry heavy items with  
5 your right hand?

6 A. Heavier than my left hand, yes.

7 Q. How would you describe the difference  
8 in what you can carry, between your right hand and  
9 your left hand?

10 A. With my left hand, put it this way, if  
11 I liked to -- and this happened to me only -- not  
12 long ago, that if I -- if I take a glass plate and  
13 I would like to wash it, and I hold it in my left  
14 hand, I had, I couldn't do it, and it fell from my  
15 hand and got broken. It's as simple as this.

16 Q. But my question, sir, was, how would  
17 you describe the difference between what you can  
18 lift with your right hand, versus what you can lift  
19 with your left hand?

20 A. If I was holding the, this, this stuff  
21 in my right hand and try to wash it with my left  
22 hand, the glass is not going to be broken.

23 Q. Was this a glass or a platter, what was  
24 this that you dropped?

25 A. It was a -- a ball. A glass ball, a